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To: CONFIDENTIAL
Foreign Patent Subcommittee

Date: January 19, 1981

From: G. C. Adkins

REC'D JAN 20 1981

Subject: PM 808, PM 867A and PM 867B

You will recall that the Subcommittee reserved its recommendations as to foreign filings of PM 808 (Tobacco Treatment/Keritsis) and PM 867A (Method for Selective Denitration of Tobacco/Keritsis), pending an imminent management decision as to which method of denitrification would be implemented on a commercial scale. There has still been no firm decision (although the present trend is toward electrodialysis), and action on these cases cannot be deferred until the February 12 meeting of the Patent Committee.

Concern has been expressed that certain aspects of the United States application on PM 808, once disclosed in an issued patent, would be hard to protect against infringement. It now appears that the same problem inheres in a related case, PM 867B (Method for Denitration of Tobacco Employing Electrodialysis/Keritsis), which is soon to issue in the United States and is now beyond recall.

At its November 21 meeting the Subcommittee tentatively agreed that, if PM 808 and PM 867A are to be filed abroad, the following countries should be included:

Argentina*	France	The Philippines*
Australia	Greece*	Spain*
Belgium	Italy	Switzerland
Brazil*	Japan	United Kingdom
Canada	Mexico*	U.S.S.R.*
Denmark*	The Netherlands	Venezuela*
Ecuador*	Nigeria*	West Germany

So that we will not be foreclosed from filing within the Convention year if this list is confirmed on February 12, I am asking Messrs. Palmer and Kothe to go ahead now with all necessary action to make these cases ready for filing, including any indicated drafting changes to minimize the concern noted above and using the vehicle of an EPO or PCT application where possible.

*PM 808 only.

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In addition, I note that PM 867B was recommended for filing in only 7 countries other than the United States (Belgium, France, Italy, the Netherlands, Switzerland, the United Kingdom and West Germany) and, since this seems somewhat inconsistent with such a broad filing of PM 808, I have also asked Mr. Kothe to advise us of any countries where PM 867B might still be filed with the Convention priority.

/es

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